

## **2002 ENACTED LEGISLATION**

**PUBLIC CHAPTER 523 (Senate Bill 2898/House Bill 2822)** requires physicians and hospitals to include medical or anatomical impairment rating, if such record is available, when medical records are requested in workers' compensation cases and prohibits additional or separate cost for providing the impairment as a part of a request for medical records.

[Effective Date: July 1, 2002]

**PUBLIC CHAPTER 544 (Senate Bill 3128/House Bill 2874)** grants to self-insured workers' compensation groups, upon written request, a 30-day extension for filing audited financial statements with the Commissioner of Commerce and Insurance and makes financial statements filed as required by the section.

[Effective Date: March 25, 2002]

**PUBLIC CHAPTER 693 (Senate Bill 2255/House Bill 2511)** requires that state and local governments and their agencies must include with any bid or procurement specifications for construction services the following information.

- a. A statement as to whether the governmental entity operates a drug-free workplace program certified under current law or any other program for the drug testing of employees.
- b. A statement describing the drug testing program of the governmental entity, if one is in effect.
- c. A statement that all bidders must submit an affidavit that the bidder operates a drug-free workplace program at least as strict as that of the governmental entity.
- d. Permits employer to file suit in appropriate chancery court to contest a contract as being awarded in violation of this statute.

[Effective Date: May 1, 2002]

**PUBLIC CHAPTER 695 (Senate Bill 2414/House Bill 2276)** amends or adds to several areas of the Workers' Compensation Law:

- a. Section (1) requires the Advisory Council on Workers' Compensation to include a report on activities and outcomes related to the workers' compensation Fraud Act in its annual report to the General Assembly.
- b. Section (2) requires the Advisory Council, on or before December 15, 2002, to report to the Special Joint Committee on Workers' Compensation its findings and recommendations, if any, on methods available to control the growth of medical costs within the workers' compensation system.
- c. Section (3) provides that a claim against the Second Injury Fund can be made by either the injured employee or the employer.
- d. Section (4) requires that the Workers' Compensation Administrator shall be made a defendant in an action filed against the Second Injury Fund by either the employer or the injured employee.

- e. Section (5) requires the Commissioner of Commerce and Insurance to determine, by July 1 of each year, whether membership in the Assigned Risk Pool exceeds 15% of the membership of the eligible employer market, as based on premium (excluding self-insured employers and self-insured groups); requires the Commissioner to issue a report to the Advisory Council on Workers' Compensation to include the percentage of the assigned risk pool and the reasons contributing to the increased membership of the pool and the Commissioner's recommendations as to what statutorily permitted actions, if any, should be taken; and requires the Commissioner to hold a hearing before electing to activate the competitive state workers' compensation insurance fund or to institute a plan of direct assignment..
- f. Section (6) requires the Advisory Council to study and report on the impact that T.C.A. 50-6-110(c) has on the payment of a medical provider's claim for emergency and stabilization services provided to an injured employee and permits the Advisory Council to recommend proposed legislation to address problems related to the issues.
- g. Section (7) amends T.C.A. 50-6-407(a) to provide that the Commissioner of Labor and Workforce Development, or an agency member appointed by the Commissioner, may revoke an employer's "Certificate of Compliance", upon 30 days' notice and an opportunity for a hearing to the employer.

[Effective Dates: Sections 3 & 4 effective July 1, 2002; all other sections effective May 1, 2002.]

For additional information or assistance please call 615-741-5384.